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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ROBERT RAMIREZ, ROBERT  
HARRIS, LUIS POCASANGRE  
CARDOZA, JOSE SALCEDO, A.  
SHAPPELLE THOMPSON,  
CORETTA SILVERS (formerly  
VICK), SANDRA EVANS, BLANCA  
NELLY AVALOS, JAMES MORGAN  
and ANTHONY JONES, on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

vs.

CINTAS CORPORATION,

Defendant.

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff/Intervenor.

CASE NO. C04-0281-JSW

[RELATED TO CASE NO. C05-03145-JSW]

**JOINT STIPULATION OF DISMISSAL  
OF PLAINTIFF SANDRA EVANS'  
CLAIMS AND ~~PROPOSED~~ ORDER**

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**RECITALS**

WHEREAS, on August 3, 2005, Plaintiff Sandra Evans (“Evans”) filed her Fourth Amended Complaint (“FAC”) asserting claims on behalf of herself and as a putative class representative for certain present and former employees of Defendant Cintas Corporation (“Cintas”);

WHEREAS, in the FAC, Evans individually asserted claims under the Civil Rights Act of 1866, 42 U.S.C. §1981, as amended by the Civil Rights Act of 1991 (“Section 1981”), Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, as amended (“Title VII”); the California Fair Employment and Housing Act, California Government Code §§ 12940, *et seq.* (“FEHA”) and the California Unfair Business Practices Act, Business and Professions Code §17200 (“UCL”), specifically contending that Cintas paid and continues to pay Evans a lower hourly rate than white coworkers because of her race (black) (FAC ¶ 8);

WHEREAS, in the FAC, Evans sought to assert claims as a class representative for African American non-exempt employees in Cintas’ Rental Division who allegedly were and are paid less than similarly situated non-African American employees in violation of Section 1981, Title VII, FEHA and the UCL (FAC ¶¶ 45-46, 48(e));

WHEREAS, Evans intends to dismiss her claims and thus is not an adequate class representative for any form of relief sought on behalf of the putative class described in paragraph 48(e) of the FAC;

WHEREAS, Evans has agreed to withdraw as a class representative and dismiss her individual and class claims with prejudice against Cintas in exchange for

1 Cintas' waiver of its right to recover costs against Evans pursuant to Federal Rule of Civil  
2 Procedure 54(d);

3  
4 WHEREAS, the parties have agreed that Plaintiffs' counsel will not include  
5 any attorneys' fees or costs incurred as part of maintaining Evans' individual claims (or  
6 the class claims Evans has asserted if there is no adequate class representative to represent  
7 the putative class described in paragraph 48(e) of the FAC), should they later apply for an  
8 award of attorneys' fees or costs in this litigation. However, if Plaintiffs or Plaintiffs'  
9 counsel apply for an award of attorneys' fees and costs, this stipulation will not preclude  
10 them from asserting that some portion of the time spent on the class claims asserted by  
11 Evans should be allocated to another claim on which plaintiffs prevailed; and nothing in  
12 this stipulation will preclude defendant from asserting any legal arguments in opposition  
13 to such an allocation; and

14  
15 WHEREAS, the parties have agreed that, notwithstanding the stipulated  
16 dismissal of Evans' claims, if a class of Cintas employees is certified and Evans falls  
17 within the definition of any such class, Evans may participate and receive any benefit to  
18 which she would be entitled as a member of the class, if any.

**STIPULATION**

THE PARTIES, BY AND THROUGH THEIR COUNSEL, HEREBY  
STIPULATE AS FOLLOWS:

1. Plaintiff Sandra Evans withdraws as the named, representative plaintiff and dismisses with prejudice her class claims for the putative class of African American non-exempt employees in Cintas' Rental Division who contend they were paid less than similarly situated non-African American employees in violation of Section 1981, Title VII, FEHA and the UCL;

2. Plaintiff Sandra Evans dismisses with prejudice her individual claims for discriminatory pay in violation of Section 1981, Title VII, FEHA and the UCL;

3. Plaintiffs' counsel will not include any attorneys' fees or costs incurred as part of maintaining Evans' individual claims (or the class claims Evans has asserted if there is no adequate class representative to represent the putative class described in paragraph 48(e) of the FAC), should they later apply for an award of attorneys' fees or costs in this litigation. However, if Plaintiffs or Plaintiffs' counsel apply for an award of attorneys' fees and costs, this stipulation will not preclude them from asserting that some portion of the time spent on the class claims asserted by Evans should be allocated to another claim on which plaintiffs prevailed; and nothing in this stipulation will preclude defendant from asserting any legal arguments in opposition to such an allocation; and

4. Cintas waives its right to recover costs against Plaintiff Sandra Evans after the dismissal of her individual and putative class claims as permitted by Federal Rule of Civil Procedure 43(d).

DATED: December 7, 2005      Respectfully submitted,

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*Counsel for Plaintiffs Robert Ramirez, et al.*

DATED: December 7, 2005

By: /s/ Nancy L. Abell  
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*Counsel for Defendant Cintas Corporation*

**ORDER****BASED ON THE PARTIES' STIPULATION AND GOOD CAUSE**

APPEARING THEREFORE, this Court finds that Plaintiff Sandra Evans is not an adequate class representative and may not represent the alleged class of African American non-exempt employees in Cintas' Rental Division who contend they were paid less than similarly situated non-African American employees in violation of Section 1981, Title VII, FEHA and the UCL, as set forth in the Fourth Amended Complaint at paragraphs 45-46 and 48(e); on this basis the Court DISMISSES WITH PREJUDICE Plaintiff Sandra Evans' claims on behalf of this alleged class.

This Court DISMISSES WITH PREJUDICE Plaintiff Sandra Evans' individual claims that Cintas has violated Section 1981, Title VII, FEHA and the UCL by paying Evans less because of her race (black) than white coworkers.

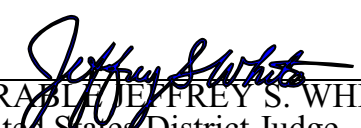
The Court also finds that Plaintiffs' counsel is not entitled to recover any amount in attorneys' fees and costs attributable to pursuing Evans' individual claims herein (or the class claims Evans has asserted if there is no adequate class representative to represent the putative class described in paragraph 48(e) of the FAC).

WHEREAS, the parties have agreed that Plaintiffs' counsel will not include any attorneys' fees or costs incurred as part of maintaining Evans' individual claims (or the class claims Evans has asserted if there is no adequate class representative to represent the putative class described in paragraph 48(e) of the FAC), should they later apply for an award of attorneys' fees or costs in this litigation.

1 Finally, the Court finds that Cintas may not recover costs against Plaintiff  
2 Sandra Evans as it would be otherwise permitted by Federal Rule of Civil Procedure  
3 43(d).

4 IT IS SO ORDERED.

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6 DATED: December 8, 2005

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8 HONORABLE JEFFREY S. WHITE  
9 United States District Judge  
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